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BURNT ENDS, LLC, RODERICK C. FLINT AND
JOSHUA M. FINE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

R. BOWMAN and D. MOUSSEAU,
individually, and on behalf of all others
similarly situated

Plaintiffs,

v.

BURNT ENDS, LLC, a California
Limited Liability Company;
RODERICK C. FLINT, an individual;
JOSHUA M. FINE, an individual; and
DOE 1 through and including DOE 10,
Defendants.

Case No: 2:17-cv-05782-RGK-SS

*Assigned to Hon. R. Gary Klausner and
Magistrate Judge Suzanne H. Segal*

**DEFENDANTS RODERICK C. FLINT
AND JOSHUA M. FINE'S
[PROPOSED] ORDER GRANTING
MOTION TO DISMISS**

Date: January 22, 2018
Time: 9:00 a.m.
Judge: Honorable R. Gary Klausner
Crm: 850

Complaint Filed: August 4, 2017

Defendants RODERICK C. FLINT and JOSHUA M. FINE ("Individual Defendants") Motion to Dismiss pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure, came on regularly for hearing on January 22, 2018 at 9:00 a.m. in Courtroom 850, at 312 North Spring Street, Los Angeles, 90012, before the Honorable R. Gary Klausner.

1 **GOOD CAUSE HAVING BEEN SHOWN THEREFORE**, and based
 2 upon Individual Defendants' Notice of Motion, Motion to Dismiss, Memorandum
 3 of Points and Authorities in support thereof, and the Declaration in support
 4 thereof, all attached exhibits, and hearing oral argument in support thereof, IT IS
 5 **HEREBY ORDERED:**

- 6 1. Individual Defendants' Motion to Dismiss all allegations and counts
 7 against Individual Defendants for failure to state a claim upon which relief
 8 can be granted is hereby GRANTED.
- 9 2. Plaintiff's First Claim for Relief (waiting time penalties pursuant to Labor
 10 Code ¶ 203) is dismissed against Individual Defendants for failure to state
 11 a claim upon which relief can be granted.
- 12 3. Plaintiff's Second Claim for Relief (waiting time penalties pursuant to
 13 Labor Code ¶ 203.1) is dismissed against Individual Defendants for failure
 14 to state a claim upon which relief can be granted.
- 15 4. Plaintiff's Third Claim for Relief (unpaid overtime wages and unpaid
 16 minimum wages pursuant to California Labor Code ¶¶ 510 and 1194) is
 17 dismissed against Individual Defendants for failure to state a claim upon
 18 which relief can be granted.
- 19 5. Plaintiff's Fourth Claim for Relief (failure to provide accurate wage
 20 statements pursuant to California Labor Code ¶ 226(a)) is dismissed
 21 against Individual Defendants for failure to state a claim upon which relief
 22 can be granted.
- 23 6. Plaintiff's Seventh Claim for Relief (unpaid overtime pursuant to Fair
 24 Labor Standards Act, 29 U.S.C. ¶ 201 et seq.) is dismissed against
 25 Individual Defendants for failure to state a claim upon which relief can be
 26 granted.

1 Dated: _____

JUDGE OF THE UNITED STATES
DISTRICT COURT FOR THE
CENTRAL DISTRICT OF
CALIFORNIA